Remarks

Claims 1-20, 24-44 and 48-52 remain the application. Claims 1-33 and 52 have been rejected under 35 USC 112, second paragraph, claims 1-8, 33, 34-37 and 52 have been rejected under 35 USC §102(b) and claims 9-32 and 38-51 have been rejected under 35 USC 103(a).

Turning first to the 35 USC 112, second paragraph rejections, Applicants have amended claims 1, 10, 11, 13, 18, 20, 31, 32, 33 and 52 to address the §102(b) issues raised by the Examiner. Applicants have cancelled claim 21.

Turning now to the art rejections, claims 1-8, 33 and 52 have been rejected under 35 USC 102(b) as being anticipated by *Kaman* (U.S. Patent No. 5,715,905). In rejecting these claims, the Examiner contends that *Kaman* discloses a system for controlling access to a vehicle and that such system includes a vehicle access control module 28 and a verification module 38 that communicate with each other.

The system described in the *Kaman* reference is intended to monitor the needs of vehicles for maintenance and to secure such vehicles against unauthorized use. On the other hand, Applicants' system is designed to optimize vehicle use through scheduling and permission of authorized use. Applicants' system is specifically designed to err on the side of granting access which should be allowed rather than denying access when it should be prevented. This results in a system which is much more reliable from the point of the view of the driver.

The system described in the *Kaman* reference will deny access to a vehicle when a vehicle requests authorization from a central computer and the vehicle does not receive such authorization from the control computer. The central computer may deny access by simply not responding. There are, however, many reasons why a vehicle might not receive a response from the central computer, such as, wireless communications problems, network problems, server problems, etc. In *Kaman's* system any one of these reasons would be sufficient to deny access. On the other hand, in Applicants' system it is exactly the opposite. If the vehicle requests authorization from the server and no reply is received from the server, then it is assumed that the driver is allowed access and it will be granted.

Applicants have amended claim 1 to make it clear that the vehicle-associated access control module includes a means for determining whether communications are being passed between the vehicle access control module and the remote verification module and to enable access in the absence of communication with the remote verification module if information

stored in the vehicle-associated access control module matches the customer information provided through one of many means such as a chip card. This provides a structure necessary to allow the driver access to the vehicle when no response is received from the server.

Another difference between Applicants' system and that described in the *Kaman* reference is that the *Kaman* reference does not include any scheduling component. While identity is compared, access is permitted based on identity only and not based on the time of day. This is further reinforced by the existence of a "timer" but not a clock which can tell what time it is. Moreover, because the *Kaman* system only checks identity, it is possible that more than one person could be granted access to a vehicle at the same time. Applicants' claim 26 is specifically directed to a system, which avoids this problem so that the reservation time is specifically recognized and only the authorized user has access during such person's reservation time.

Claims 34-37 were rejected under 35 USC 102(b) as being anticipated by *Klein.* In making this rejection, the Examiner contends that *Klein* discloses a car rental system that allows authorized users to rent from a fleet of cars. A significant difference between Applicants' system and that of *Klein* is that the *Klein* system does not operate in a wireless environment but instead relies on kiosks that issue chip cards that are programmed to open only a certain vehicle. Applicants have amended claim 34 to make it clear that the remote location is wirelessly connected to the vehicle. This is critical because Applicants' system incorporates the access system into a vehicle which permits Applicant to place vehicles anywhere without any infrastructure (other than a parking spot) whereas *Klein* requires that cars be located in close proximity to kiosks. Simply substituting wireless communication for other communications is not simply a matter of design choice but it causes Applicants' system to operate very differently from the system of *Klein.*

Applicants have also amended claim 35 to incorporate the subject matter of claim 47, which is also now distinguishable over *Klein* for the reasons described above with respect to claim 1. The Examiner does not address the steps set forth in claim 47 in the Office Action in rejecting claim 47, but the *Klein* system does not check whether a communications channel to a server is available and then allows a customer access to the vehicle based on information resident in the vehicle-associated access control processor in the event there is no communication with the remote server. Claims 45-46 have also been cancelled as the subject matter of those claims was incorporated into claim 35 as well.

Finally, in claim 52, Applicants have amended this claim to include a means for determining whether communications are being passed from the vehicle to the remote verification module.

In view of the foregoing amendments and remarks, Applicants submit that the claims remaining in this application present patentable subject matter.

Respectfully submitted,

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